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Patent
Attorney Docket: 271/294

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

PESTKA, Sidney et al.

Serial No.: 10/088,143

Filed: February 22, 2002

For: Cytomegalovirus-Encoded IL-10
Homolog

) Group Art Unit: Not yet assigned

) Examiner: Not yet assigned

TRANSMITTAL OF MISSING REQUIREMENTS

Box PCT Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I. DOCUMENTS ENCLOSED:

In response to the NOTIFICATION TO FILE MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US), which was mailed by the Patent Office on May 30, 2002, enclosed are:

- ☒ Declaration
- ☒ Power of Attorney: ☐ Separate or ☒ Combined with Declaration
- ☒ Assignment of the invention to University of Medicine & Dentistry of New Jersey (together with PTO Form 1595)

LA-242637.1

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

July 30, 2002
Date of Deposit

Lena Dishakjian
Name of Person Mailing Paper

Lena Dishakjian
Signature of Person Mailing Paper

- ☒ A copy of the Notice to File Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US)
- ☒ Submission of Sequence Listing with sequence listing in paper and computer-readable forms
- ☒ Information Disclosure Statement with Form PTO-1449

II. REQUEST FOR EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

- ☐ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/> one month	\$55.00	\$110.00
<input type="checkbox"/> two months	\$200.00	\$400.00
<input type="checkbox"/> three months	\$460.00	\$920.00
<input type="checkbox"/> four months	\$720.00	\$1,440.00
<input type="checkbox"/> five months	\$980.00	\$1,960.00

Fee

- ☒ If any extension fee is required, please consider this a petition therefor.

III. FILING FEES

- ☒ Applicant claims small entity status pursuant to 37 CFR 1.27.

BASIC FILING FEE:				\$0.00
Total Claims	-	20	= 0 x \$18.00	\$0.00
Independent Claims	-	3	= 0 x \$84.00	\$0.00
Multiple Dependent Claims	\$280	(if applicable)	<input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)	<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS				\$0.00
Reduction by 1/2 for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.				\$0.00
Extension of Time (from above)				\$0.00
Assignment -- \$40 (if applicable)				\$40.00
TOTAL FEES SUBMITTED HEREWITH				\$40.00

IV. METHOD OF PAYMENT OF FEES:

- ☐ A check in the amount of _____ is enclosed to cover the above fee(s).
- ☒ Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of **\$40.00**.
- ☒ The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. **12-2475** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **12-2475**.

Respectfully submitted,
LYON & LYON LLP

Dated: July 29, 2002

By: _____

Sandra S. Fujiyama
Sandra S. Fujiyama
Reg. No. 46,713



22249

PATENT TRADEMARK OFFICE

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Los Angeles, CA 90071
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UNITED STATES PATENT AND TRADEMARK OFFICE

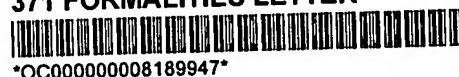
 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/088,143	FIRST NAMED APPLICANT Pestka Sidney	ATTY. DOCKET NO. 271/294
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Sandra S Fujiyama
 Lyon & Lyon
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 Suite 4700
 Los Angeles, CA 90071-2066

INTERNATIONAL APPLICATION NO. PCT/US00/21213	
I.A. FILING DATE 09/01/2000	PRIORITY DATE 09/02/1999

CONFIRMATION NO. 1454
 371 FORMALITIES LETTER



Date Mailed: 05/30/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Small Entity Statement

Oath/Decl. due 7/30/02
DNA Seq. Reqmnt.
RECEIVED

JUN 05 2002

U.S. PROSECUTION

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the

requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

■ **APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/088,143	PCT/US00/21213	271/294

FORM PCT/DO/EO/905 (371 Formalities Notice)